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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/044,291

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Timothy G. Nye

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EXAMINER

TODD, GREGORY G

ART UNIT

PAPER NUMBER

2457

MAIL DATE

DELIVERY MODE

05/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/044,291

Applicant(s)

NYE, TIMOTHY G.

Examiner

GREGORY G. TODD

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 49-74 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 49-74 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is in response to applicant's supplemental amendment filed, 08 April 2008, of application filed, with the above serial number, on 10 January 2002 in which, together with amendment and RCE filed 02 March 2009, claims 49, 52 and 59 have been amended and claims 60-74 have been added. Claims 49-74 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 71 recites the limitation "the geographically bounded website content" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 49-74 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmelstein et al (hereinafter "Himmelstein", 2001/0011270) in view of Peterson et al

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(hereinafter "Peterson", 6,594,682), further in view of Labio et al (hereinafter "Labio", 7,089,301).

As per Claim 49, Himmelstein teaches a method for creating a geographically bounded network of computers comprising the computer implemented steps of:

creating and maintaining a list of attribute bounded electronic addresses representing a plurality of indexable electronic documents, on a computer network, that are associated with a geographically bounded region, where the computer network is the Internet and the electronic documents are webpages on the Internet (at least paragraph 2, 18-21; index with geocoding; WWW);

identifying a plurality of peer computers associated with the geographically bounded region, where the geographically bounded searchable index of the webpages is created by the peer computers spidering the geographically bounded webpages (at least paragraph 25-32; 70-75; spidering and indexing);

in response to receiving a geographically bounded request from one of the computers, assigning one or more geographically bounded electronic addresses from the geographically bounded list (at least paragraph 70-75; search query);

sending the assigned geographically bounded electronic address to the requesting computer, where the requesting computer processes the assigned geographically bounded electronic address to index one or more geographically bounded webpages that are obtained through the assigned geographically bounded electronic address (at least paragraph 70-75; search results);

enabling access to one or more of the geographically bounded webpages (at least paragraph 74; search result/ resource returned to user).

Himmelstein does not teach storing the geographically bounded searchable index of webpages locally on a local hard drive of a tablet device, where the geographically bounded searchable index of webpages is accessible offline from the local hard drive of the tablet device without accessing the Internet. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Peterson. Peterson teaches a client comprising a hard drive and running Windows CE (well known PDA and tablet operating system) defining content they are interested in (such as sports, or in this case a location), the content being indexed and stored locally in a cache to be retrieved and searchable while offline (at least col. 7:38-39; 8:1-4; 9:53-10:15; 12:33-60). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Peterson's cached offline searchable index of webpages with Himmelstein as this would enhance Himmelstein's system to be performed when the user is not connected online to a network, allowing a user to cache content of a geographic location and when not connected to the Internet for any reason, such as being mobile or the connection being down, being able to search for businesses or other content in the region, and as the technique for improving a particular class of devices was part of the ordinary capabilities of a person of ordinary skill in the art, in view of the teaching of the technique for improvement in other situations.

Himmelstein and Peterson do not explicitly teach the peer computers to perform distributed processing tasks to enable creation of a geographically bounded searchable index of webpages. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Labio. Labio teaches a distributed peer-to-peer network wherein a host (peer) selection for the peer-to-peer network is based on rankings which include geography or physical location of the hosts, with the hosts each hosting data and producing and processing an index of documents on the network (at least col. 4:43-52; 5:24-62; 4:65-5:3; 2:57-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Labio's distributed processing network with Himmelstein and Peterson, as Labio teaches the transfer of information between distant hosts is inefficient as the time required to search and download the files may become too long.

As per Claim 50. The method of claim 49 further comprising receiving the processed result from the requesting computer (at least paragraph 25-32; 70-74).

As per Claim 51. The method of claim 49 wherein the geographically bounded region is automatically generated based upon a physical address selected from at least one of a group consisting of: a city, a zip code, a longitude, a latitude, an altitude, a telephone area code, an informal destination and an area relative to a location (at least paragraph 30-32).

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As per Claim 52. The method of claim 49 wherein the geographically bounded region is based upon a physical location of one or more of the peer computers (at least paragraph 70-74).

As per Claim 53. The method of Claim 49 wherein the attribute is a topical boundary (at least paragraph 32-47).

As per Claim 54. The method of claim 49 wherein the electronic addresses are represented as Uniform Resource Locators (at least paragraph 70-74).

As per Claim 55. The method of claim 49, wherein the step of assigning includes overlapping the assignment of geographically bounded electronic addresses to multiple requesting computers (at least paragraph 82-101).

As per Claim 56. The method of claim 49 wherein assigning one or more geographically bounded electronic addresses from the geographically bounded list further includes:

matching at least one of the electronic addresses in the geographically bounded list to at least one attribute from the geographically bounded request; and in response to determining that no electronic addresses in the geographically bounded list matches any attribute from the geographically bounded request, assigning an electronic address from the geographically bounded list that does not match the geographically bounded request from the requesting computer (at least paragraph 70-84).

As per Claim 57. The method of claim 49 wherein processing step comprises: spidering, on the requesting computer, the distributed electronic address (at least paragraph 25-27).

As per Claim 58. Himmelstein and Peterson do not teach wherein the plurality of computers uses peer-to-peer technology to form a virtual community associated with the geographically bounded region. However, the use and advantages for using such a system is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Labio (at least col. 4:43-52; 5:24-62; 4:65-5:3; 2:57-67). Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the use of Labio's distributed processing network with Himmelstein and Peterson, as Labio teaches the transfer of information between distant hosts is inefficient as the time required to search and download the files may become too long.

As per Claim 60. A method as in claim 49 wherein the geographically bounded searchable index of website content creates a virtual subset of the Internet that is stored offline, to be accessed from the tablet device without accessing the Internet (at least Peterson col. 12:33-60; offline client clicking action appearing to send to server).

Claims 59 and 61-74 do not add or define, in substance, any additional limitations over claims 49-58 and 60 and therefore are rejected for similar reasons.

Response to Arguments

5. Applicant's arguments with respect to claims 49-74 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newly cited Wills (geographical and document indexes cached for offline use, see Fig. 1), Viridy, Monberg et al, Offutt et al, and Biswas et al, in addition to previously cited Hubbarb (tablet, table 2), Hougaard et al (col. 5:18-32; local geographic indexing from Internet), Drury et al (col. 19; in-vehicle located database downloading route information from server and closing server session), Culliss, Dunworth et al, Malone et al, Carrasco et al, Lee et al, Jindal, and Logan are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art references for relevant teachings when responding to this office action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to GREGORY G. TODD whose telephone number is (571)272-4011. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/G. G. T./
Examiner, Art Unit 2457

/ARIO ETIENNE/
Supervisory Patent Examiner, Art Unit 2457